REMARKS

1. **Identification of Allowable Subject Matter.**

Applicants appreciate the PTO's identification of allowable subject matter with regards to pending claims 1-33.

2. **Amendment of claims 47 and 48**

Claims 47 and 48 have been amended to rectify a typographical error and to better define the claimed invention. Support for these amendments may be found in paragraphs [00070]-[00072] and original claim 63.

Claims 63-66 have been canceled.

Entry of these amendments is respectfully requested.

3. **Rejection of claims 34-66 under 35 U.S.C. §112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claims 34-66 have been rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. In particular, the PTO states:

> [I]ndependent claims 34 and 63 and those claims depending therefrom recite a method wherein "at least a portion of . . . solvents" are removed from the reaction mixture. Subsequently a melt-mixture is formed with a crosslinking agent. Since it is the examiners understanding that melt-mixtures are devoid of solvent, applicants recitation of the removal of only part of the solvent makes it unclear whether a melt mixture is intended.
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Applicants appreciate the detailed basis of rejection but must respectfully disagree.

The first sentence of the second paragraph of Section 112 is a requirement for precision and definiteness of claim language. If the scope of subject matter embraced by a claim is clear and if the applicant has not otherwise indicated that he intends the claim to be of a different scope, then the claim particularly points out and distinctly

claims the subject matter that the applicant regards as his invention. *In re Borkowski et al.*, 164 U.S.P.Q. 642, (C.C.P.A. 1970).

Definiteness of claim language must be analyzed, not in a vacuum, but in light of (1) the content of the particular application disclosure, (2) the teachings of the prior art, and (3) the claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made. *See, e.g., In re Marosi*, 710 F.2d 799, 218 U.S.P.Q. 289 (Fed. Cir. 1983); *Rosemount, Inc. v. Beckman Instruments, Inc.*, 727 F.2d 1540, 221 U.S.P.Q. 1 (Fed. Cir. 1984); *W.L. Gore & Assocs., Inc., v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303 (Fed. Cir. 1983).

Thus, it is respectfully noted that the applicable standard requires reliance on the instant application rather than a particular Examiner's individual knowledge. More particularly, it is noted that the disclosures of the instant application satisfy the relevant standard for claim definiteness under 35 U.S.C. 112, 2nd paragraph

For example, paragraph [00072] of Applicants' Specification clearly establishes that "*...it is within the scope of the invention to begin the process of the invention with a mixture (i) having a % percent nonvolatile of at least 40% and to remove some or all of the polymerization solvents to achieve a mixture (i) having a %nonvolatile of 80% or more. Such excess polymerization solvents may be removed before the addition of the crosslinking agent (b) or from the final aqueous dispersion.*"

This disclosure is followed by the teachings of paragraph [00086] that indicate that the claimed methods require the formation of a melt-mixture (ii). As indicated in Applicants' paragraph [00086] and original claim 34, a melt-mixture (ii) is defined as a mixture of crosslinking agent (b) into mixture (i) at a temperature which is at or above the melting temperature of both acrylic polymer (a) and crosslinking agent (b) but which is below the temperature at which blocked functional groups (f_b) unblock.

Thus, the term 'melt-mixture (ii)' in original claim 34 refers to a particular mixture at a particular temperature, i.e., the temperature of a mixture containing a particular mixture (i) and a particular crosslinking agent (b). In particular, the word 'melt' in 'melt-mixture (ii)', as that term is used in claim 34, refers to the behavior of that crosslinking agent (b) at the specified temperature.

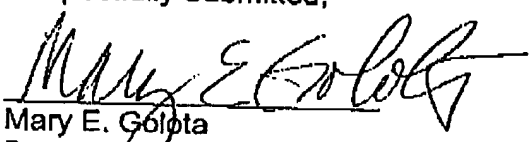
Accordingly, it is respectfully submitted that claim 34 are valid under Sec. 112, second paragraph, because "... those skilled in the art would understand what is claimed." *Amgen, Inc. v. Chugai Pharm. Co.*, 927 F.2d 1200, 1217, 18 U.S.P.Q. 2d 1016, 1030 (Fed Cir.), cert denied, 502 U.S. 856 (1991)

Reconsideration and removal of the rejection as to claims 34-66 is respectfully requested.

CONCLUSION

Applicant(s) respectfully submit that the Application and pending claims are patentable in view of the foregoing amendments and/or remarks. A Notice of Allowance is respectfully requested. As always, the Examiner is encouraged to contact the Undersigned by telephone if direct conversation would be helpful.

Respectfully Submitted,



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